



# House of Representatives

General Assembly

**File No. 336**

*January Session, 2001*

House Bill No. 5850

*House of Representatives, April 18, 2001*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING PEREMPTORY CHALLENGES IN A CIVIL ACTION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-241 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 On the trial of any civil action to a jury, each party may challenge  
4 peremptorily three jurors. Where the court determines a unity of  
5 interest exists, several plaintiffs or several defendants may be  
6 considered as a single party for the purpose of making challenges, or  
7 the court may allow additional peremptory challenges and permit  
8 them to be exercised separately or jointly. For the purposes of this  
9 section, a "unity of interest" means that the interests of the several  
10 plaintiffs or of the several defendants are substantially similar. In all  
11 civil actions, the court shall allow an equal number of total peremptory  
12 challenges to the plaintiff or plaintiffs and to the defendant or  
13 defendants.

14       Sec. 2. Subsection (a) of section 51-243 of the general statutes is  
15 repealed and the following is substituted in lieu thereof:

16       (a) In any civil action to be tried to the jury in the Superior Court, if  
17 it appears to the court that the trial is likely to be protracted, the court  
18 may, in its discretion, direct that, after a jury has been selected, two or  
19 more additional jurors shall be added to the jury panel, to be known as  
20 "alternate jurors". Alternate jurors shall have the same qualifications  
21 and be selected and subject to examination and challenge in the same  
22 manner and to the same extent as the jurors constituting the regular  
23 panel. In any case when the court directs the selection of alternate  
24 jurors, each party may peremptorily challenge four jurors. Where the  
25 court determines a unity of interest exists, several plaintiffs or several  
26 defendants may be considered as a single party for the purpose of  
27 making challenges, or the court may allow additional peremptory  
28 challenges and permit them to be exercised separately or jointly. For  
29 the purposes of this subsection, a "unity of interest" means that the  
30 interests of the several plaintiffs or of the several defendants are  
31 substantially similar. In all civil actions, the court shall allow an equal  
32 number of total peremptory challenges to the plaintiff or plaintiffs and  
33 to the defendant or defendants.

**JUD**       *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** See Explanation Below

**Affected Agencies:** Judicial Department

**Municipal Impact:** None

**Explanation****State Impact:**

The bill would result in additional individuals being summoned for jury duty (over 500,000 jury notices are mailed annually). It would also result in a lengthening of civil court trials in cases involving a unity of interest among the parties in certain cases and would increase court backlogs. There are 600-700 civil jury trials handled by the Judicial Department per year involving more than 7,000 jurors. Civil jury trials require the selection of six jurors and two alternates and last an estimated four to five days on average with one day devoted to jury selection. The number of these trials that involve a unity of interest is not known. The bill would not result in any short-term costs but would add pressure to the need for additional court resources over the long term.

---

**OLR BILL ANALYSIS**

HB 5850

***AN ACT CONCERNING PEREMPTORY CHALLENGES IN A CIVIL ACTION.*****SUMMARY:**

This bill directs courts to give plaintiffs and defendants in civil jury cases an equal total number of peremptory challenges. Parties use these to excuse potential jurors without having to give a reason.

By law, each party may peremptorily challenge three potential jurors. When a trial is likely to last a long time, the court may direct that two or more alternate jurors be added to the jury. In such a case, each party may peremptorily challenge four potential jurors. If several plaintiffs or defendants have substantially similar interests, known as "unity of interest," the court may treat them as a single party and limit them to a total of three peremptory challenges, or four if alternate jurors are added.

Judges also have the discretion under current law to permit additional peremptory challenges and specify whether they must be exercised individually or jointly. They retain this authority under the bill, but must ensure that each side gets the same total number of challenges.

EFFECTIVE DATE: October 1, 2001

**NUMBER OF PEREMPTORY CHALLENGES**

The bill has no effect on the number of challenges in a case when no unity of interest exists among the parties and the number of defendants and plaintiffs is the same. But for example, in a case with one plaintiff and five defendants, none of whom have a unity of interest, the bill would require the court to assign the plaintiff 15 challenges, rather than the three he is entitled to under existing law. Each of the defendants would have three challenges. (If alternate

jurors were also being selected, under this example the plaintiff would get 20 challenges and each defendant, four.)

The reverse would be true in a case with five plaintiffs suing a single defendant.

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Report

Yea    29        Nay    9